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T H E P R E S I D E N T ' S M E S S A G E , C O M M U N I C A T I N G T H E C O N S T I T U T I O N O F C A L I F O R N I A .

Delivered in the House of Representatives of the United States, March 18, 1859.

Mr. CHAIRMAN: I have not sought the floor with the expectation of saying any thing which will shed new light upon this vexed and difficult question; but more particularly for the purpose of exhibiting to my constituents that I am not indifferent upon a subject, in the settlement of which they, in common with the whole country feel a deep interest. I shall express, sir, the sentiments I entertain upon these topics as becomes the Representative of freedom, "without fear, favor, or affection," and regardless of denunciations or criticisms here or elsewhere. I am not one of those who assume the extreme ground on either side. I do not regard the institution of slavery as it exists in our Southern States with that degree of horror which some of my Northern brethren express; neither do I regard it as a "great moral, political, and religious blessing" with some gentlemen from the South. I simply view it, in the language of Thomas Jefferson, as "a great moral and political evil." Taking this view of the subject, it could not be expected that I should engage in a crusade for its extinction where it exists on the one hand, or on the other desire, and much less promote, its extension to territory now free. I am willing to leave it where the Constitution and the laws under which we live have placed it. I am not responsible either for its existence or its continuance there; and if it is a "curse and a disgrace," those who uphold it, are to answer for it, and not I.

The gentleman from Louisiana (Mr. MORSE) says, we ought to "talk" upon this subject, and misquotes a great author to furnish proof. Sir, we have had too much "talk" already, and too little reason upon this question; the quotation is, "He that will not reason is a bigot, he that dare not is a slave, and he that cannot is a fool."

The whole difficulty, as I apprehend, originates in the different construction of the power of Congress under the Constitution to legislate on the subject of slavery in the Territories—the North asserting the right; the South denying it. This is, therefore, a fair subject of argument; of sound, calm, dispassionate reasoning. If it should be found that we do not possess that power, the North is bound to submit; if, on the other hand, it is conferred by that instrument, the South are equally bound to bow to its mandates.

Before I proceed to this question, I desire to remark, that so far as the territory acquired from Mexico is concerned, that it is now free. The Constitution and laws of Mexico made it so beyond a doubt; and the distinguished gentleman from Georgia (Mr. TOOMBS) admits this, and insists that we are bound to remove this impediment, and thus enable the South to carry their slaves thither. Being, then, free when ceded to the United States, this territory must remain so, until this law is repealed by Congress, or until some local sovereignty, having jurisdiction over the subject, shall annul it.

For my own part, I most ardently desire that it shall remain free; and I will never, by act or vote mine, do ought to make it otherwise.

Slavery I hold exists no where in this country, except by local laws and positive regulations. So far as the States are concerned, they have the sole power over it; and so far I agree with the Baltimore platform, that "Congress has no power to interfere with slavery in the States, or to take even incipient steps tending thereto." But with regard to the Territories, it presents a very different question. They are without local legislatures, and the power of making laws for them must necessarily devolve upon Congress, or else does not exist at all. That Congress has this right I infer from the very act of acquisition, and that whether acquired by conquest or by cession. Can it be possible, that a country may be transferred, and the right of the conquered or ceding country to govern it be thus extinguished, and the conquering country acquire no right to legislate for that territory? Where, I ask, is the sovereignty of the country? It resided in Mexico. She certainly neither does nor can claim it now. It is not in the people of New Mexico and California, for they are seeking to acquire

that, with your consent, by admission into the Union. According to the logic of gentlemen on the other side, it has not vested any where, but is simply in *abeyance*.

These conclusions, which would place this Territory beyond the action of Congress, I hold to be absurd, and not only not supported by precedent, but in direct conflict with all the action and experience of not only this, but every other civilized Government on the earth. This power has been fully recognised by all the departments of our Government—Legislative, Executive, and Judicial; by a consistent and uninterrupted train of action, from the foundation of the Government to the present day; and it appears most passing strange that any gentleman should deny it upon this floor.

The gentleman from Georgia (Mr. TOOMBS) cites the provisions in the Constitution in relation to the importation of slaves, slave representation, and recapture of fugitives, and exclaims, "Gentlemen, deceive not yourselves; you cannot deceive others. This is a pro-slavery Government. Slavery is stamped upon its heart—the Constitution. You must tear that out of the body politic before you can commence the work of its eradication." Now, so far from this being the case, I defy that gentleman, or any other here, to point to any clause or word in that Constitution that *confers the right* upon any mortal man to own a slave. It *confers no right*—it merely secures you in the enjoyment of what you before possessed. This was the compromise of the Constitution—nothing more. If by eradication he means its abolition in the States, I agree with him; if he refers to the Territories, I join issue with him.

This power is not in my mind left to doubtful construction. The clause in the Constitution is full and ample. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, of the United States." Now, the gentleman from Ohio (Mr. DISNEY) argues that this conferred no other power upon Congress than to dispose of the land. That if the framers of the Constitution had intended to confer upon Congress the right of legislating generally for the Territories, they would have used other expressions, such as to "make laws," "to legislate," &c., and that the terms "rules and regulations" do not apply to the higher objects of government, but merely to some minor and unimportant subjects; and particularly does not apply to *persons*, but merely to *things*.

In answer to this permit me, sir, to remark, that if those who framed this Constitution intended merely to confer the power to dispose of the lands, why was it necessary to add "and make all needful rules and regulations respecting the Territory?" This instrument was drawn with much care, and is in every part expressed with great terseness and brevity. No redundancies, such as this would present—no amplifications, no repetitions, such as the gentleman's construction shows—are exhibited anywhere in this instrument. And all this too, remember, to express an inferior and subordinate power. The natural, and I have no doubt the correct, construction will strike any man of ordinary judgment at a glance. The power of disposing is conferred in terms; and, in addition, the power to make "all needful rules and regulations."

Let us, now, examine the meaning of those terms "rules and regulations." And, in answer to the inquiry why the framers of the Constitution did not use some other mode of conveying their meaning, I can only say, that I know of none more full and expressive, and yet so concise, in the compass of our language. No man will certainly contend that the power of settling, fixing, and controlling the commercial relations of a country, is a matter either of minor importance, or their proper regulation a subordinate power. Yet, sir, this vast power, and no one has disputed that Congress has not the most full and unlimited control over it, is conferred in the Constitution by this very same term, "to regulate commerce with foreign nations," &c., embracing in its provisions some of the highest acts of sovereignty which a nation can exercise. The same reasoning applies to the clause which gives the power to Congress "to coin money and regulate the value thereof." Will any person, for a moment, contend that the circulating medium, which forms the basis of all the transactions of society, and measures the value of all property, and the price of every commodity, is an inferior and subordinate subject? If this term in these instances and in these clauses convey powers of such vast magnitude and importance, I ask, by what fair rule of interpretation can gentlemen contend that a different rule of construction should obtain, in reference to the clause now under consideration? And that, too, in the face of the fact, that it is used by the same men, in the same instrument, and at the same time.

The gentleman from Ohio, in my humble opinion, is still more unfortunate in reference to the word "rules" used in this clause. If the gentleman inquires, why those who draughted the Constitution did not use the words "to make laws," "to legislate," &c., I answer, simply because the word "rules" is a better and more significant word. It has not only in the Constitution, as I shall presently shew from other clauses, a very significant and comprehensive meaning, but had then and long before, in legal phraseology or instruments, a certain and well-defined import. The very first sentence the student of law reads is, "Law is defined to be a *rule* of action, whether *animate* or *inanimate*." Whether applied to persons or things, it is still a rule; whether to objects of superior or inferior magnitude and importance, it remains the same. Burke says, "Law is beneficence acting by *rule*." A statute or law is a rule of civil conduct. The greatest lexicographer of the age defines a rule to be "government: sway: empire: control: supreme command or authority." And, to rule, "to have power or command: to exercise supreme authority." This being the ordinary and accepted definition of the terms, let us see in what sense it has been employed by the sages who framed our Constitution, in regard to other powers which are not disputed. It authorizes Congress "to establish a uniform *rule* of naturalization." Is that to operate upon things and not upon persons? Is it an inferior and subordinate power? That power which recognises the right of expatriation, and provides for the transfer of personal obligations, allegiance to country, the most binding and solemn which man can assume upon earth. Of a similar nature is the authority to "make rules concerning captures on land or water." And, also, "to make

rules for the government of the land and naval forces." I repeat, therefore, that from a careful review of the meaning and ordinary acceptance of the terms "rules and regulations," as well as their acknowledged signification in other parts of the same instrument, show beyond the possibility of a doubt, and even beyond the hope of cavil, that in this connection they were intended in the language of the Supreme Court of the United States, in 5 Peters' U. S. Rep. 44 ("rules and regulations respecting the territory of the United States) they necessarily confer complete jurisdiction. It was necessary to confer it without limitation to enable the new Government to redeem the pledge given to the old, in relation to the formation and power of the new States." And, again, in 11 Peters' U. S. Reports, 537, "this power (of governing the Territories) is vested in Congress *without limitation*, and has been considered the foundation upon which the territorial governments rest." I might cite many more decisions of the Federal and State courts to the same effect; but I will mention but one more, and that is, the supreme court of Louisiana (a slave State) decided, as late as 1830, that Congress had the right to exclude slavery from the Northwest Territory; and that a colored person born there, subsequent to the ordinance of 1787, was free, and set him at liberty. 8 Martin's Reps., 699. The elementary writers on our Constitution fully concur in these judicial decisions. See Kent, 1 vol. Com., page 385, and Rawle, page 227.

It will be remembered, too, that the ordinance excluding slavery from the Northwest Territory was passed on the 13th July, 1787, by Congress; and, at the same time, the Convention, which formed the Constitution, was in session, and remained sitting till 15th September, more than two months after.

Now, I ask, if it is not abundantly clear, with this recent act before them of the exercise of this extensive power by Congress, if they did not intend to confer it, would they not have introduced some restrictive or prohibitory clause, which would have limited and controlled the subsequent action of Congress? With the knowledge of this ordinance before them, and the absence of any disapprobation, it is but a fair and legitimate argument to assume, that they intended to grant and confirm this power to that body. And the fact that Congress has, from the adoption of the Constitution down to the present time, continued to exercise this right in its length and breadth, places its existence beyond all controversy.

The gentleman from Georgia (Mr. Toombs) says: "Until the year 1820 your territorial legislation was marked by the same general spirit of fairness and justice. Notwithstanding the constant assertions to the contrary by gentlemen from the North, up to that period no act was ever passed by Congress maintaining or asserting the primary constitutional power to prevent any citizen of the United States owning slaves from removing with them to our Territories, and there receiving legal protection for this property."

I maintain, sir, that Congress, on the 7th of August, 1789, did, in effect, re-affirm the ordinance of 1787; and have no doubt, from the preamble, that they felt well assured of their power to do so. When they declared in that preamble that it was in order that the ordinance "might continue to have full effect," the slavery restriction was a part of it, and it could not have *full effect* unless that restriction remained in full force.

To show, however, that Congress possessed full power over this subject, I shall refer to some of the laws in relation to the Territories, in which the power to recognise and establish, to restrict and exclude, has been constantly exercised.

2d April, 1790. Congress accepted the cession from North Carolina of what is now Tennessee, with a slavery clause; and a territorial government was erected in May following.

7th April, 1792. Mississippi Territory was erected, and the ordinance of 1787 extended over it, except the 6th section. This was equivalent to the recognition of the right to hold slaves.

7th May, 1800. Indiana Territory was erected, and the ordinance of 1787 extended over it.

26th March, 1804. The territory ceded by France in 1803 was erected into two territorial governments—Orleans and Louisiana. This was slave territory, and it was permitted to remain so; but the introduction of slaves from foreign countries, and also from other States, except by settlers, was prohibited. In 1819 the supreme court of Louisiana affirmed this law, and decided that slaves introduced in contravention of that law were free.—6 Martin's Reps., 656.

11th Jan., 1805. Michigan was created a Territory, and the ordinance extended over it.

3d February, 1809. A similar act was passed for Illinois.

4th June, 1812. Missouri Territory was created, and the same restrictions in regard to the foreign and domestic slave trade, as were applied to Louisiana, were extended to her.

5th March, 1820. Congress passed a bill authorizing Missouri to form a State government, and prohibited slavery north of 36° 30'.

3d March, 1823. The importation of slaves into Florida was prohibited, under severe penalties and the freedom of the slave.

30th June, 1834. Congress passed a law repealing an act of the legislative council of Florida, imposing a higher tax on slaves of non-residents than on slaves of residents.

20th April, 1836. Wisconsin was erected into a Territory, and the ordinance of 1787 extended over it.

In 1848 Oregon was created, and the "Wilmot proviso" extended over it.

I have cited these laws and acts of Congress, Mr. Chairmen, for the purpose of showing to the country that, so far from this power having been denied, there has been an uninterrupted and unrestricted exercise of this right of legislation by Congress, not only on the subject of slavery, both for and against, both in restriction and recognition, but on all subjects connected with the management and government of the Territories and their inhabitants.

But, sir, we have been told, in the progress of this debate, that a though the Mexican law excluded

slavery from these Territories, yet the moment we acquired them, the Constitution of the United States, by virtue of its pro-slavery character, repealed that law and established slavery there. Now, this argument assumes two things, neither of which, in my judgment, are correct: 1st. That the Constitution of the United States extends to the Territories; and, 2dly. That it carries slavery wherever the United States have jurisdiction: and of course authorizes the South to remove there with their slaves.

These same gentlemen tell us, gravely, that this Constitution is a compact and a compromise. And if so, when did these Territories become parties to this compact and this compromise? But apart from this argument, it may be clearly demonstrated that the Constitution, in its general provisions, does not extend to the Territories. The Constitution declares that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties, &c., shall be the supreme law of the land." If the Constitution extends there, then all laws passed in pursuance of its powers extend there also; and your legislation for those Territories is a mere work of supererogation. But this is contrary to the entire practice and history of the Government.

Again: the Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior." No one, I apprehend, will contend that the courts established in the Territories are part of the judicial power of the United States. If so, how does it happen that the tenure of their offices is limited, and has always been so, to four years, in direct opposition to this provision? The only satisfactory answer I can find is, that these courts are erected by Congress, in pursuance of the power to make "all needful rules and regulations respecting the Territory" of the United States, and in doing so are not limited and bound by the general provisions of that instrument. Who ever heard or supposed that, by the acquisition of Louisiana, the writ of *habeas corpus* and the right of trial by jury were extended there? Yet such would have been the immediate consequence of the operation of the Constitution, which secures and guarantees these rights to all who come within the pale of its provisions. It was but at the last session of Congress that a proposition was made to extend the Constitution to California; and I believe almost every Southern gentleman voted for that proposition. But why do this, if it was already there in its full force? I regard this as a plain and distinct admission that the only part of the Constitution which has any operation upon the people there, is that provision which enables us to legislate for them, and which your Supreme Court says is "only limited by the discretion of Congress." But even admitting it to be there in full force and operation, I deny, most emphatically, the conclusion sought to be established. As I have shown, in the former part of this argument, that this Constitution never did and never will, *proprio vigore*, authorize any one to hold in bondage any single human being as a slave. I do not say that Congress, under this power, might not pass laws to that effect; but I will say, such laws shall never be passed with my vote or with my consent.

But gentlemen say, you cannot exclude us from equal participation in this common treasure; you cannot prevent us from going to the Territories and carrying our property with us. I can only answer this by saying, we give you an open field along with us. We neither possess nor ask the right to go and take slaves there, and why should you possess any rights that we do not? Cannot you, like us, go without your slaves? Or do you regard them as a part of your identity and existence? What is property and what is not, is dependant on the local laws and jurisdictions under which we live. Yours give you the right to hold and own slaves as property; and the Constitution of the United States protects you in the enjoyment of that property, and, in case of voluntary escape, enables you to recapture it. But whenever, by your own voluntary act, you remove with your slaves beyond the jurisdiction of those local laws and regulations which conferred upon you this right and this property to another jurisdiction, which does not recognise and confer this right, not only your local laws under which you had held your slaves become inoperative, but the Constitution of the United States no longer secures you in that property, but shields and protects the slave in the assertion of his freedom. Our local and municipal laws confer upon us many rights and franchises—such as banks, insurance and other joint stock companies—in which much of our wealth and capital is embarked; yet the wildest enthusiast never dreamed for a moment that he could enter the Territories and enjoy these rights there, and thus carry his local and municipal privileges beyond the jurisdiction by which they were conferred. Though I must acknowledge I can see as good reason for the claim in the one case as in the other.

If gentlemen of the South are sincere in their belief of the unconstitutionality of legislation of this kind over the Territory, it appears to me they would manifest it, not by heat and excitement here—not by threatening to "resist at all hazards and to the last extremity"—not by calling conventions to dissolve the Union and destroy the Government, but would appeal peaceably to the Judiciary of the country to pronounce all laws of that kind null and void. This would appear to suggest itself as the more rational as well as the more honest and patriotic course.

In regard to California, these principles can have no application. The people of that country have settled these matters for themselves. They have formed a State Government, and are here asking for admission into the Union as a sister State. And upon what grounds can we refuse to receive them? Gentlemen object because the proceedings to form a constitution were irregular and unauthorized by Congress. But they should remember, at the same time, that Congress and the country owed it to the people of California, and to the thousands of our citizens emigrating there, to establish for them a government which would afford them security and protection. So far from this, they were almost abandoned by the Government, and left to take care of themselves as best they might. Under these circumstances, I hold that the people of California were not only justified, but had a perfect right,

to meet and form for themselves such government as they deemed best adapted to their situation and necessities. Under the pressure of circumstances, they did so; and the only inquiry I wish to make is, is that constitution republican in its form? This, I believe, is not disputed. Then why will you repulse her from your door, and spurn her representatives, who are as justly entitled to their seats as any other members upon this floor? Besides, sir, this very action of the people of California was referred to by the late President of the United States, in his message to Congress at the last session, as a probable and desirable event; and a call for that purpose, if I mistake not, was introduced by a Democratic Senator. Did the South then feel alarmed? Did they then call conventions, and propose "to resist at all hazards and to the last extremity?" Was there a single member of the last Congress who, at the adjournment on the 4th of March, 1849, did not believe and expect that the people of California would adopt the only alternative left them, of providing for their own security and their own government? It was the inevitable result of the most ungracious and unkind abandonment by this Government, and that, too, owing to the difficulty arising from this question of slavery, which they, as they had a perfect right to do, have now settled and adjusted for themselves.

But things have now assumed a different aspect, and a great change has come over the spirit of the "dream" of gentlemen from the South. Zachary Taylor has been elected President by the people of the United States. The spoils of office and the hope of preferment have disappeared from the visions of gentlemen, and it became necessary to wage an unrelenting and bitter war upon his administration. And, sir, the course of this debate has more than convinced me that much of the "sound and fury" we have heard on this question has been instigated and fomented by the maddening and turbulent spirit of party passion and party rancor. And in the prosecution of this warfare, gentlemen have been swept along by a whirlwind of passion, which has drowned the voice of their sober reason and their better judgment.

We want no stronger proof of this than the very absurd, not to say ridiculous, reasons which have been urged against the admission of this State—that the formation of this constitution and the exclusion of slavery was brought about by Presidential interference; that the President, a Southern man and a slaveholder, employed T. Butler King, another Southern man and a slaveholder, to go to California for the purpose of inducing the people of that Territory to form a constitution, and to prohibit the introduction of slavery there by force, or fraud, or persuasion. If the President had been guilty of the folly and stupidity which gentlemen on the other side attribute to him, he would deserve the maledictions which have been heaped upon him for employing such an agent for such a purpose. But, sir, these charges are wantonly made, in the very face and teeth of the most overwhelming and irrefragable proofs to the contrary, and are reiterated with the full and complete evidence before them of all the instructions given to that gentleman, with his own unimpeached and unimpeachable testimony, that he had no such instructions and attempted no such interference as are charged by gentlemen on the Democratic side of this Hall. I regard it as the best encomiums upon this Administration when talented and honorable gentlemen are driven to such miserable shifts to furnish ammunition to prosecute their warfare. The people of this country will never believe a charge so utterly unsubstantiated by a single proof, and that carries with it its own refutation. Nay, the gentlemen's constituents will not believe it, nor do they believe it themselves. If there be a single individual upon this floor who believes this charge, then I can only say that there are stranger "things (not in heaven and earth only, but in this Hall too,) than I have ever dreamed of in my philosophy."

But if this charge were even true, I hold, sir, that that would afford no sufficient ground to exclude California. Would you do injustice to the people of a State, and leave them to anarchy and confusion, simply because an officer of the Government had been remiss or unfaithful in the performance of his duty? Is not her constitution republican in its form? Is there any thing in it repugnant to the principles of the Constitution of the United States? If not, sir, I hold that you cannot reject her. That constitution comes here with the sanction of the people, and the broad seal of her approval; and that, sir, should operate as an indisputable passport to her full, immediate and cordial reception.

Her convention was composed of men from all sections of the United States, and of natives of California. Sixteen Southern gentlemen, and ten Northern, if I mistake not, were in that convention. They regarded the question of slavery as settled then, not only by the Mexican law, but, sir, for all time to come, by the character of the soil, the nature of the climate, the productions of the earth, the habits and sentiments of the people, and, above all, by the immutable interdict of the laws of nature and of God.

I am, therefore, for these reasons, in favor of the admission of California, with her present constitution, and her present boundaries, irrespective of all and every other question and consideration. And I deem it but right to say, if California, under the same circumstances, were here with a recognition of slavery in her constitution, much as I would have regretted it, upon the same principles I should have felt myself bound to vote for her admission, leaving the evil and responsibility to flow from it to rest upon them and their children.

In regard to the Territories, I have only to say, I am willing to adopt the same principles and arguments I have been applying to California. I am willing, so far as New Mexico and Deseret are concerned, to leave the settlement of all questions of local and domestic policy to the decision of the people themselves, who are to be affected by those laws and regulations. I take occasion to say, that I fully endorse the views and sentiments so ably enforced and recommended in the message of the President of the United States, now under discussion.

I recognise there, sir, one of the sublimest principles upon which our free institutions are based—not only the right, but the ability, of the people to govern themselves. I am one of those who advo-

cate this right, and believe in this ability in its fullest extent. Our system of territorial governments has not, in every instance, asserted and maintained this right, but have sometimes assimilated themselves to the colonial regulation of Great Britain. This resulted, perhaps, from the sparseness of population, and the nature and necessities of the case; but in regard to these Territories no such necessity exists; but give them authority, but signify your assent, and by the meeting of your next session of Congress, they will present themselves, with their constitutions in their hands, and ready to take their stand as States in the ranks of this great and glorious Confederacy.

This I deem not only the best and most just policy in regard to the Territories themselves, and as tending to promote emigration and settlement there, by assuring people of the security of the law and the protection of their rights, but as calculated to allay excited and embittered feeling between different sections of our country. Here is a platform, a Democratic platform, too, upon which all may meet; and peace, and harmony, and quiet be restored to the country.

I am not one of those who are alarmed for the safety of the Union. No excitement we can raise here, no conventions we can hold elsewhere, will accomplish this object. Attachment to this Union, the work of our fathers of the Revolution, has become a part of our nature, and is associated with all that we prize, and all that we expect, as a people and a nation. Politicians may prate glibly about it, and some restless, disappointed spirit may desire it: but its shield and protection, the assurance of its integrity and perpetuity, are found in the wisdom, the patriotism, and affections of twenty millions of freemen.

What objection, therefore, has any gentleman, and particularly any Southern gentleman, to this mode of disposing of the question? I look upon this not as Whig or Democratic platform, not intended to give any advantage to either North or South, but to refer it where it may be properly and justly decided, and that, too, by those who will not only have the best means of judging properly in regard to the wants and necessities of the country, but who have also the greatest interest in adopting such a government as will be best adapted to their wants and condition, and such as will most effectually secure them in the enjoyment "of life, liberty, and the pursuit of happiness."

My own views are, therefore, Mr. Chairman, opposed to the formation of any territorial governments. I desire not only to leave this question, but all others which are of a local and municipal character, to the people who are to be affected by those laws and regulations. This is the great principle upon which our own Government rests; upon which our Declaration of Independence and our Constitution are founded. So far as I shall have any vote or any influence, I shall give it for upholding this great principle here and everywhere, now and for all time to come. I cannot consent, for one moment, to the proposition of the gentleman from Georgia, (Mr. TOOMBS,) that it is the duty of Congress to remove the impediment presented by the Mexican laws, and thus enable the South to carry their slaves into those free Territories. If the people of those Territories shall see proper, in the organization of their State constitutions or by their laws, to permit this, be it so; and the evil and the responsibility shall rest with and upon them. For my own part I am for freedom, for liberty, in its widest and largest sense. And if I had the power to do it, without the violation of any moral or political obligations, I would strike the shackles from every living human being upon the face of the earth, in every nation, in every clime, and of every color, until man, everywhere, should rise to the dignity of his nature and his destiny, and stand forth in the broad sunlight of Heaven, and in the words of the great Irish barrister, "redeemed, regenerated, and disenthralled by the irresistible genius of universal emancipation."

Mr. CROWELL. I understand the honorable gentleman from Pennsylvania to concede the power of Congress to exclude slavery from the newly acquired Territories. I would ask him, with his permission, to answer me, whether he is willing to vote for its exclusion in a bill organizing territorial governments.

Mr. CASEY. I have argued, as the gentleman from Ohio has heard, at length, the question of the right—the constitutional right; but I am now asserting and arguing the inherent and inalienable right of the people to make their own laws and adopt their own form of government.

Mr. CROWELL. I wish to inquire whether the gentleman, conceding the right, does not admit and contend that it is the duty of Congress, as slavery is a moral and political evil, (as he states it to be,) to exclude it by legislative enactment.

Mr. CASEY. I can only tell the gentleman from Ohio, what neither he nor any one else can dispute or disprove, that slavery is already excluded by the Mexican law—by the superior law of nature; and that the Wilmot proviso cannot more effectually exclude it than it is already done. Besides this, the Wilmot proviso would only continue to bind, so long as it should remain under territorial government. When it becomes a State, the people would have a full and perfect right, in the exercise of their sovereignty, to establish and introduce slavery if they saw proper to do so. Ohio, the gentleman's own State, which was under the ordinance of 1787, could, any day, if her people desired it, establish slavery within her borders. Of what benefit, therefore, can the proviso be to the Territories under these circumstances?

Mr. CROWELL again interrupted, and said that in order to show that the gentleman was mistaken in supposing that the God of nature had so fortified this territory that slavery could not be introduced, he asked the gentleman's permission to have the clerk read an advertisement in "The Mississippian," of the 6th March.

Mr. CASEY.—I cannot agree to yield the floor to the gentleman from Ohio for any such purpose. I wish my speech to stand or fall upon its own merits. I have not cited newspaper fragments to prove my arguments and fortify my positions, and do not wish to have them interlarded in my speech, as they are not always regarded as good authority, and particularly some from that quarter.

I agree, sir, with the gentleman from Tennessee, (Mr. WILLIAMS,) who has just preceded me, that gentlemen too often talk here, sir, for effect and for Bunccombe. To some extent, perhaps, the North and the South may be chargeable with it. For my own part, my information on the subject justifies me in saying, that I believe it is the case to a greater extent at the South than at the North. Gentlemen have vied with each other on the hustings at home in denouncing the Proviso and Abolitionism, until they have raised a feeling and an excitement there among their people, and are compelled to carry out the farce here, to make their constituents believe they were serious at home, and to induce them to send them back to save the country and to save the South.

These are my views, sir, upon this question, and I claim for them no other merit than that of being the honest and settled convictions of my own mind, and the result of calm and dispassionate reflection. That these distracting and disturbing questions will be settled, and settled in such a way as to produce and foster kind and fraternal feeling between every part and portion of our widely extended country, I most ardently hope and sincerely believe. And that ere long we shall have, not only California and New Mexico as stars in the great constellation of States, but that each revolving year will add new gems to this galaxy of national glory and of greatness. And that this mighty west will be thronged with the population, the wealth, and the enterprise that shall continue to roll its swelling tide over its boundless prairies and fertile plains. When our flag shall float, and our empire extend from where the broad Atlantic laves our eastern shores, to where the peaceful billows of the great Pacific dash, and break, and die away. And I can only hope that this Union, purchased by the blood and toil of the Revolution, and endeared by a thousand thronging memories of the past, and our glorious Constitution, the monument of our father's wisdom and patriotism, shall still stand the admiration and the hope of the world; and its blessings and benefits descend to our children, and to their posterity, and to the millions who shall gather and rest beneath its broad *egis*—

“ ‘Til the last syllable of recorded time.”

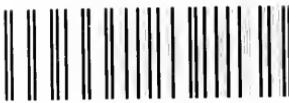
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